

Facsimile Cover Sheet

MEDLEN & CARROLL

TO: Examiner W.O. Sandals
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APR 15 2003

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OFFICIAL

Date: April 14, 2003

Time: _____ PM (PST)

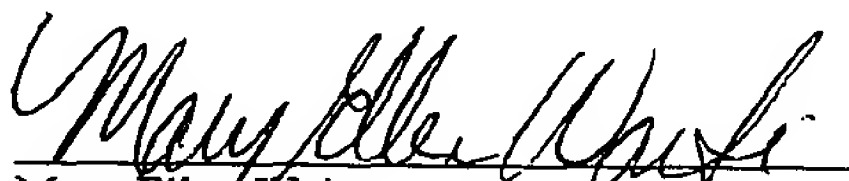
Pages (including cover): 7Client Code: FORS-06612

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Re: U.S. Serial No. 09/940,925
Filed: 08/21/0102
Our File: FORS-06612

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Amendment Transmittal (1 page) and Supplemental Amendment (5 pages) is being sent via facsimile on the date shown below to Examiner W.O. Sandals at 703/308-4242.


Mary Ellen Waite

DATE: 4-14-03

PATENT
Attorney Docket No. FORS-06612

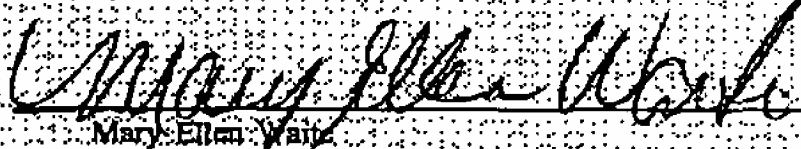
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James E. Dahlberg *et al.*
Serial No.: 09/940,925 Group No: 1636
Filed: 08/28/01 Examiner: W.O. Sandals
Entitled: Detection Of Target Sequences By Cleavage Of Non-Target Nucleic Acids

AMENDMENT TRANSMITTAL

BOX NON FEE AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

<p align="center">CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)</p> <p>I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being transmitted by facsimile to Examiner W.O. Sandals at facsimile no. 703/308-4242.</p> <p>Dated: April 14, 2003 By:  Mary Ellen Wain</p>	
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Sir or Madam:

Transmitted herewith is an amendment for this application. The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE
Total Claims	24	—	24	0	×	18.00	\$0.00
Independent Claims	1	—	3	0	×	84.00	\$0.00

TOTAL DUE 0.00

- No additional fee is required.
- Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: April 14, 2003

By: 

David A. Casimir
Registration No. 42,395

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900

PATENT

Attorney Docket No. FORS-06612

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James E. Dahlberg *et al.*
Serial No.: 09/940,925
Filed: August 28, 2001
Entitled: **RAPID DETECTION AND IDENTIFICATION OF PATHOGENS**

Group No.: 1636
Examiner: W. O. Sandals

#16

SUPPLEMENTAL AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) as, on the date shown below, being transmitted by facsimile to Examiner W.O. Sandals at facsimile no. 703/308-4242.

Date: April 14, 2003

By: Mary Ellen Waite
Mary Ellen Waite

Sir:

Applicants filed a response to Restriction Requirement on January 23, 2003 pointing out that the Restriction Requirement did not address pending claims 71-94. In a phone conference with the Examiner in April 2003, Applicants and the Examiner discussed the status of the claims. The Examiner pointed out that claims 1-44 were still pending in the application and had never been cancelled. Applicants respectfully disagree and assert that a preliminary amendment filed with the application on August 28, 2001 clearly set forth that only claims 71-94 were presented with the present application (this amendment was not acknowledged by the Examiner in the Restriction Requirement). This amendment makes clear that the present application is a divisional application derived from an application in which claims 45-123 were originally filed and in which claims 45-70 were pursued. The present application is a proper filing of a divisional application that pursues claims 71-94 from this earlier case. While Applicants do not believe that claims 1-44 are pending in the present application, Applicants authorize the cancellation of claims 1-44.

Claims 71-94 remain pending in the application and are not under restriction.